

# Land Law (Ireland) Acts Amendment Bill.

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## ARRANGEMENT OF CLAUSES.

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### PART I.

#### LAND LAW.

Clause.

1. Statutory term.
  2. Agreements.
  3. Improvements.
  4. Presence or absence of proper equipment to be ascertained.
  5. "Present tenancy" and "future tenancy."
  6. Arrears.
  7. Pre-emption.
  8. Limit of population to constitute a town.
  9. Pasture.
  10. Turbary and other profits, easements, and privileges.
  11. Ulster custom.
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### PART II.

#### EQUITABLE PROVISIONS.

12. Power to vary existing judicial rents.
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### PART III.

#### EVICTED TENANTS.

13. Re-enactment of 54 & 55 Vict. c. 48. s. 13. as to purchase of their holdings by former tenants.
14. Land Commission to act as arbitrators.
15. To advance money for rebuilding and other purposes.
16. Provision of funds for foregoing purposes.
17. Short title.
18. Repeal of Acts.

SCHEDULE.

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TO

Amend the Land Law (Ireland) Acts, and to provide for the restoration of Evicted Tenants in Ireland to their Holdings. A.D. 1898.  
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BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

PART I.

LAND LAW.

1.—(1.) Any statutory term beginning after the *passing of this Act* in a present tenancy shall be *ten years*, and in sections four and eight of the Land Law (Ireland) Act, 1881, "*ten*" shall, as respects any such term, be substituted for "*fifteen*." Statutory term.  
44 & 45 Vict.  
c. 49.

(2.) Where a statutory term in the tenancy of a holding is current at the *passing of this Act*, an agreement or application to fix a fair rent for the holding may be made at any time after the expiration of the *ninth year* of that term, and the new judicial rent fixed by the court and the further statutory term shall, notwithstanding that the statutory term current at the passing of this Act has not expired, begin on the gale day on which the *tenth year* of the current statutory term expires, or the gale day next after the application, whichever is latest.

2.—(1.) Where an agreement is made or has been made between landlord and tenant under subsection (6) of section eight of the Land Law (Ireland) Act, 1881, as to the then fair rent of a holding the statutory term resulting from such agreement shall be held to date from the gale day next after such agreement has been made. Agreement.  
44 & 45 Vict.  
c. 49.

(2.) In the case of a tenant who applied to the court under section sixty of the Land Law (Ireland) Act, 1881, on the first occasion on which it sat, to have a fair rent fixed, and who since 44 & 45 Vict.  
c. 49.

[Bill 5.]

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A.D. 1888. — making that application has signed an agreement under subsection (6) of section eight of the said Act, the statutory term so created shall be held, for the purpose of an application to fix a fair rent, to date from the gale day next after the day on which the Land Law (Ireland) Act, 1881, came into force.

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Improvements.  
58 & 60 Vict.  
c. 47.

3.—(1.) Notwithstanding anything contained in section one of the Land Law (Ireland) Act, 1896, no rent shall be allowed or made payable in any proceeding under the Land Law Acts in respect of any improvement found to exist on a holding or proved to have been made by a tenant or his predecessor in title, except to the extent to which the court, having regard to all the circumstances of the case, are of opinion that money or money's worth has been given by the landlord for or in respect of such improvement.

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33 & 34 Vict.  
c. 46.

(2.) Subsections (1), (2), (3), and (4) of section five of the Landlord and Tenant (Ireland) Act, 1870, shall not have effect in the case of applications to fix a fair rent.

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(3.) No rent shall be allowed or made payable in respect of an improvement found to exist on a holding or proved to have been made by a tenant or his predecessor in title by reason only of the omission of the tenant to give particulars of or to claim such improvement when applying to have a fair rent fixed.

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(4.) The word "improvement" in the Land Law Acts and in this Act shall, notwithstanding anything in the Landlord and Tenant (Ireland) Act, 1870, or the Land Law Acts, be taken to mean any increased letting value due to or arising out of any expenditure of capital or labour on or in respect of a holding.

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Presence or  
absence of  
proper  
equipment  
to be ascer-  
tained.

4. Where the court in fixing a fair rent makes an acreable valuation of a holding, such acreable valuation shall be made on the assumption that the holding is properly equipped with buildings and other works necessary for the proper cultivation of the land, and in estimating the fair rent they shall deduct from the acreable valuation so arrived at so much of the value as is due to such buildings and other necessary works, and as the landlord does not show to have been made by, or at the expense of, himself or his predecessor in title and where the holding is not equipped with the buildings and works necessary for its proper cultivation, the court in fixing the fair rent shall deduct from the gross acreable valuation such sum as would represent a fair annual charge on the amount necessary to put the holding into a proper state of equipment, unless it be ascertained that the want of equipment is due to any default on the part of the tenant or his predecessors in title.

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- 5.—(1.) Where the tenancy of a holding has been determined since the first day of May one thousand eight hundred and seventy-nine, and the person in occupation of such holding on the first day of March one thousand eight hundred and ninety-eight has at any time been a present tenant of that holding, or of the substantial part thereof, the said occupier shall be held to be a present tenant of the holding within the meaning of the Land Law Acts, and his application to have a fair rent fixed shall be deemed to have been made by a present tenant.
- 10 (2.) Notwithstanding anything contained in the fifty-seventh section of the Land Law (Ireland) Act, 1881, any tenancy created before the twenty-third day of August one thousand eight hundred and eighty-seven shall be deemed to be a present tenancy within the meaning of the Land Law (Ireland) Act, 1881, and the Land Law Acts; and "future tenancy" shall be construed to mean a tenancy beginning after that date.
- 15 6.—(1.) In the case of any ejectment which has been or shall be brought for the non-payment of the rent of a holding to which the Land Law Acts, as amended by this Act apply, where the tenant has paid, tendered, deposited, or lodged two years rent as provided in section sixteen of the Land Law (Ireland) Act, 1896, the balance of the rent due to that date shall be irrecoverable.
- 20 (2.) In any proceedings for the recovery of a holding to which the Land Law Acts apply for non-payment of rent, or in any action for debt or damages by any person against the tenant of such holding where the tenant makes an application to have a fair rent fixed, it shall be in the power of the court before which such application is to be heard to put a stay upon any such proceedings until the said application is finally determined, upon such terms as to payment of rent or otherwise as the court think just.
- 25 (3.) In all proceedings on applications to fix a fair rent the court shall take an account of the amount of arrears of rent due, or to become due, before the application is finally determined, and may take evidence of all the circumstances which have led to such arrears, and shall decide whether, in view of such circumstances, the whole, or what part of the arrears ought to be paid, and whether in one payment or by instalments, and at what dates the same should be paid; and the amount and dates so fixed shall be deemed to be the total amount of such arrears due by the tenant, and the dates at which the same become payable.
- 30 7. So much of the Land Law (Ireland) Act, 1881, as gives to a landlord any right of pre-emption where a tenant sells his tenancy shall be repealed.

A.D. 1896.

"Present  
tenancy" and  
"future  
tenancy."44 & 45 Vict.  
c. 49.

Arrears.

59 & 60 Vict.  
c. 47.Pre-emption.  
44 & 45 Vict.  
c. 49.

A.D. 1898.

Limit of  
population  
to constitute  
a town.44 & 45 Vict.  
c. 49.Pasture.  
59 & 60 Vict.  
c. 47.Turbary  
and other  
profits, eas-  
ements, and  
privileges.Ulster  
custom.

8. In the construction of subsection (2) of the forty-eighth section of the Land Law (Ireland) Act, 1881, and in all proceedings under the Land Law Acts, the word "town" shall be construed to mean a town having a population according to the last census of not less than five thousand.

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9. Notwithstanding anything in section five of the Land Law (Ireland) Act, 1896, the Land Law Acts shall be held to apply to a tenancy in a holding which is let to be used wholly or mainly for the purpose of pasture, provided that it is not of the rateable value of upwards of *two hundred pounds*, and that the tenant either resides on the holding or that the holding adjoins, or is ordinarily used with another holding on which the tenant resides.

10. Where on an application to fix a fair rent for a holding it is proved to the court that the tenant of the holding, by virtue of his tenancy under his landlord has been accustomed, whether as of right or by permission, and whether with or without payment, to exercise any profit à prendre, easement, privilege of turbary, or other privilege over land belonging to the landlord, the court, after giving the landlord and any tenant of the land an opportunity to be heard, may make an order for securing the profit, easement, or privilege to the tenant of the holding upon such terms and in such manner as the court think fit, and such order shall be binding on all estates and interests in the said land.

11. In the province of Ulster a holding shall, until the contrary is proved, be deemed to be subject to the Ulster tenant-right custom.

## PART II.

### EQUITABLE PROVISIONS.

12. The following enactments shall take effect with respect to judicial rents fixed before the *first day of January one thousand eight hundred and ninety-six* :—

As soon as possible after the *passing of this Act* the Land Commission, having regard to the difference in prices affecting agriculture in counties, poor law unions, or other areas, between the year *one thousand eight hundred and ninety-eight* and each of the years *one thousand eight hundred and eighty-two*, *one thousand eight hundred and eighty-three*, *one thousand eight hundred and eighty-four*, *one thousand eight hundred and eighty-five*, *one thousand eight hundred and eighty-six*, *one thousand eight hundred and eighty-seven*, *one thousand eight hundred and eighty-eight*, *one*

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Power to  
vary exist-  
ing judicial  
rents.

- thousand eight hundred and eighty-nine, one thousand eight hundred and ninety, one thousand eight hundred and ninety-one, one thousand eight hundred and ninety-two, one thousand eight hundred and ninety-three, one thousand eight hundred and ninety-four, and one thousand eight hundred and ninety-five, and having regard to such other circumstances affecting agriculture as to them shall seem right, shall, without application, determine with reference to such counties, unions, or other areas what alteration, if any, ought equitably to be made in the judicial rents to become payable in such counties, unions, or areas, in respect of the year commencing from the gale day next before the *passing of this Act*, according as such judicial rents were fixed in one or other of the years before the first day of January one thousand eight hundred and ninety-six, respectively, so that the rent fixed under the provisions of this section shall differ in proportion to the difference of prices and other circumstances affecting agriculture as aforesaid in the respective years; and the judicial rents payable in respect of the year aforesaid in such counties, unions, or areas shall be varied to the extent so determined by the Land Commission.
- In the year *one thousand eight hundred and ninety-nine*, and in the year *one thousand nine hundred*, the Land Commission shall, in like manner, determine what alteration, if any, ought equitably to be made in the judicial rents payable for the year commencing from the first gale day in each of the said years respectively, and such rents shall be varied to the extent determined by the Land Commission.

- The Land Commission shall proceed by counties, poor law unions, or other areas, as they think fit, in reference to such alterations of judicial rents, and may cause to be made such inspections and reports as may be necessary, and may ascertain averages, and may proceed in all other respects in such manner as may appear to them to be necessary for carrying out the objects aforesaid.

- The Land Commission shall publish the order made by them under this section in such manner for giving information to all persons interested as they think most convenient.

- A copy of every order made by the Land Commission under this section shall be published in the "Dublin Gazette."

- The production of a printed copy of the "Dublin Gazette," purporting to be published by the Queen's authority, and containing the publication of any order of the Land Commission under this section, shall be evidence of the contents of such order, and of the date thereof and that it has been duly made.

A.D. 1898.

## PART III.

## EVICTED TENANTS.

13. Section thirteen of the Purchase of Land (Ireland) Act, 1891, is hereby re-enacted, and shall have effect with the modification following, namely, "*twelve months* of the commencement of this Act" shall be substituted for six months of the passing of this Act.

14.—(1.) Where the tenancy of a holding has been determined at any time after the first day of May one thousand eight hundred and seventy-nine, the landlord or the former tenant of the holding or both jointly, may, within twelve months of the commencement of this Act, apply in the prescribed manner to the Land Commission to act as arbitrators, with a view to the reinstatement of the former tenant in the holding or with a view to the purchase of the holding by the former tenant.

(2.) Upon such application, whether for reinstatement or for sale, and whether made by the landlord or by the former tenant of the holding, or by both jointly, the Land Commission may, after making such inquiry as they think advisable, and giving both parties an opportunity of being heard, make an order reinstating the former tenant in the holding in a tenancy of the same kind as he previously had in the holding, on such terms as to rent as may seem just to them; and such order shall have the effect of a writ for the delivery of possession, and shall be executed by the sheriff in like manner. Or the Land Commission may, with the consent of the landlord, order that the holding shall be sold to the former tenant, and may order an advance for the purpose of the sale in like manner as if an agreement had been made under section thirteen of the Purchase of Land (Ireland) Act, 1891, as re-enacted by this Act.

(3.) Every order under this section shall be binding upon all persons and be final and conclusive.

(4.) For the purposes of this section the expression "former tenant" shall include the heir or personal representative as the case may be of the former tenant.

15.—(1.) The Land Commission, when making an order for the reinstatement of a former tenant in a holding, or fixing the price for the purchase of a holding by a former tenant, shall consider whether any sum should be paid to the landlord on account of arrears of rent or of costs in connexion with the holding, and may fix the sum to be so paid, not exceeding a sum equal to the amount

Re-enactment of 54 & 55 Vict. c. 48. s. 13. as to purchase of their holdings by former tenants. Land Commission to act as arbitrators.

To advance money for rebuilding and other purposes.

of two years former rent of the holding, and may, if they think fit, pay this sum to the landlord out of the moneys at their disposal for the purposes of this Act. Except as respects any sum so to be paid, the landlord shall not, after an absolute order for a reinstatement is made, have any claim on account of arrears of rent or of costs in connexion with the holding.

A.D. 1899.

(2.) If, owing to the destruction or dilapidation of the buildings on the holding, or the inability of the former tenant to acquire seed, it seems expedient to the Land Commission that a free grant should be made to assist the former tenant in rebuilding or repairing such buildings or acquiring seed, they may grant to the former tenant for such purpose a sum not to exceed *one hundred pounds* out of the moneys at their disposal for the purposes of this Act.

(3.) Where the holding is in possession of a new tenant or other occupier when the order for reinstatement or sale is made, the court may award to such new tenant or occupier such sum, if any, by way of compensation for disturbance as seems just to them, and such sum may be paid by the court out of the moneys at their disposal for the purposes of this Act.

16.—(1.) For the purposes of the preceding sections of this Act, the sum of *two hundred and fifty thousand pounds* shall be charged on the Irish Church Temporalities Fund, and placed at the disposal of the Irish Land Commission for the purposes of this Act.

Provision of funds for carrying purposes.

(2.) The Irish Land Commission may with the consent of the Treasury borrow the whole or any part of such sum on the security of the said fund.

(3.) Sections fifty-nine to sixty-four of the Irish Church Act, 1869, as amended by the Irish Church Act Amendment Act, 1881, shall apply in like manner as if the provisions of this Act were the provisions referred to in those sections, and the advances may be guaranteed by the Treasury, and the sums required to meet the guarantee shall be charged on the Consolidated Fund accordingly.

32 & 33 Vict. c. 42.  
44 & 45 Vict. c. 71.

17.—(1.) This Act may be cited as the Land Law (Ireland) Act, 1898.

(2.) This Act and the Land Law Acts may be cited together as the Land Law Acts, 1881 to 1898.

18. The Acts specified in the schedule to this Act are hereby repealed to the extent mentioned in the third column of that schedule.

Repeal of Acts.



A.D. 1898.

## SCHEDULE.

## ACTS REPEALED.

Session and Chapter.	Short Title.	Extent of Repeal.	
50 & 51 Vict. c. 33.	Land Law (Ireland) Act, 1887.	Section seven.	5
50 & 50 Vict. c. 47.	Land Law (Ireland) Act, 1886.	Section one:— Subsection (1), the words "and " the said schedule shall be in " the form set out in the first " schedule to this Act, or in such " other form as may be pre- " scribed." Subsection (2). Subsection (4). Subsection (6), from the word " except " to the end of the subsection. Subsection (7), from the word " provided " to the end of the subsection. Subsection (8), from the words " where the rent " to the end of the subsection. Subsection (9). Section sixteen, from the words " and " the balance of the rent " to the end of the section. Section forty-seven. First Schedule.	10 15 20 25